

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DARCY G. MCMENAMIN, et al.,	*	
	*	
Petitioners,	*	
	*	
v.	*	Civil Action No. 20-cv-10644-WGY
	*	
SUPERINTENDENT STEVEN J. SOUZA,	*	
	*	
Respondent.	*	

ORDER

April 1, 2020

YOUNG, D.J.

Upon review of the Petition, the Court hereby orders:

1. Steven J. Souza, Superintendent of the Bristol County House of Correction and Jail, shall be sole respondent. See Rumsfeld v. Padilla, 542 U.S. 426, 439 (2004) (immediate custodian of petitioner is proper respondent in habeas action); Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee). The other named respondents shall be dismissed without prejudice.

2. The Clerk shall serve a copy of the petition upon (i) Superintendent Souza; and (ii) the United States Attorney for the District of Massachusetts.

3. The Court will hold a hearing on Thursday, April 2, 2020 at 2:00pm (the same time for the already-scheduled hearing in Savino v. Souza, Civil Action No. 20-cv-10617-WGY). Counsel for the Petitioners and Respondent shall inform the clerk via email who will appear at the hearing so that a Zoom meeting invitation can be sent to all participants.

4. Respondent shall file a status report no later than Thursday, April 2, 2020 at 11:00am.

5. In order to give the Court time to consider the matter, unless otherwise ordered by the Court, Petitioners shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

SO ORDERED.

/s/ William G. Young
William G. Young
United States District Judge

Dated: 4/1/2020